



CGL01/0207US8

Application No. 10/764,275

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Porter et al.  
Title: METHOD FOR  
PRODUCING MODIFIED  
OILSEED MATERIAL  
Application No.: 10/764,275  
Filing Date: 01/23/2004  
Examiner: Weier, Anthony J.  
Art Unit: 1761

<b>CERTIFICATE OF EXPRESS MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 459164932 US (Express Mail Label Number)	February 7, 2005 (Date of Deposit)
Deborah A. Kocorowski (Printed Name)	
 (Signature)	

Mail Stop **AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.56**

With regard to the above-identified application, the items of information listed on the enclosed Form PTO/SB/08 are brought to the attention of the Examiner. Copies of the documents listed on the Forms PTO-1449 are not being provided since these documents were either previously cited to the United States Patent & Trademark Office in one or more of the parent applications (listed below) or are an issued U.S. patent or published U.S. patent application. If the Examiner would like the Applicants to provide additional copies of any of the listed documents for the file of the present application, Applicants will be happy to do so upon request.

The present application is a continuation-in-part of U.S. Patent Application Serial No. 09/989,743 entitled "Protein Supplemented Cooked Dough Product," filed November 20, 2001 (issued as U.S. Patent No. 6,777,017 on August 17, 2004) and a continuation-in-part of U.S. Patent Application Serial No. 10/432,094 entitled "Modified Oilseed Material," having a

filing date of October 30, 2003, which is a national stage application under 35 U.S.C. § 371 of International Patent Application Serial No. PCT/US01/43304 entitled “Modified Oilseed Material,” filed November 20, 2001. Both U.S. Patent Application Serial No. 09/989,743 and International Patent Application Serial No. PCT/US01/43304 are in turn continuation-in-parts of U.S. Patent Application Serial No. 09/883,496 entitled “Protein Supplemented Beverage Compositions,” filed June 18, 2001 (issued as U.S. Patent No. 6,720,020 on April 13, 2004); and continuation-in-parts of U.S. Patent Application Serial No. 09/883,558 entitled “Protein Supplemented Processed Meat Composition,” filed June 18, 2001 (issued as U.S. Patent No. 6,830,773 on December 14, 2004); and continuation-in-parts of U.S. Patent Application Serial No. 09/883,495 entitled “Protein Supplemented Confectionery Compositions,” filed June 18, 2001 (issued as U.S. Patent No. 6,599,556 on July 29, 2003); and continuation-in-parts of U.S. Patent Application Serial No. 09/883,849 entitled “Protein Supplemented Frozen Dessert Compositions,” filed June 18, 2001 (issued as U.S. Patent No. 6,716,469 on April 6, 2004); and continuation-in-parts of U.S. Patent Application Serial No. 09/883,552 entitled “Modified Oilseed Material,” filed June 18, 2001 (issued as U.S. Patent No. 6,841,184 on Jan. 11, 2005); which are in turn continuation-in-parts of U.S. Patent Application Serial No. 09/717,923 entitled “Process for Producing Oilseed Protein Products,” filed November 21, 2000 (issued as U.S. Patent No. 6,630,195 on October 7, 2003).

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 C.F.R. § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 C.F.R. § 1.97(c), before the mailing date of either a final Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an Action that otherwise closes prosecution in the application.

**ADDITIONAL INFORMATION**

Applicants note that samples of soy protein supplemented beverage compositions, confectionary compositions, and frozen desert compositions substantially similar to the examples disclosed in U.S. Patent Nos. 6,720,020, 6,599,556, and 6,716,469 were disclosed to the public June 18-27, 2001 as part of the International Institute of Food Technologist (IFT) Meeting.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with M.P.E.P. § 609.

**FEE**

A fee in connection with submission of an Information Disclosure Statement under 37 C.F.R. § 1.97(c) in the amount of \$180.00 in accordance with 37 C.F.R. § 1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date Feb 7, 2005

By Scott C. Nielson

FOLEY & LARDNER LLP  
777 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-5306  
Telephone: (414) 297-5718  
Facsimile: (414) 297-4900

Scott C. Nielson  
Attorney for Applicants  
Registration No. 50,755

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: February 7, 2005

(Use as many sheets as necessary)

Sheet 1 of 2

## Complete if Known

Application Number	10/764,275
Filing Date	01/23/2004
First Named Inventor	Michael A. Porter
Group Art Unit	1761
Examiner Name	Weier, Anthony J.
Attorney Docket Number	023829-0287 (CGL01/0207US8)

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	6,841,184	B2	Porter et al.	01/11/2005	
	A2	6,830,773	B2	Porter et al.	12/14/2004	
	A3	6,777,017	B2	Porter et al.	08/17/2004	
	A4	6,720,020	B2	Karleskind et al.	04/13/2004	
	A5	6,716,469	B2	Stark et al.	04/06/2004	
	A6	6,706,292	B2	Waggle et al.	03/16/2004	
	A7	2004/0045897	A1	Nakabayashi et al.	03/11/2004	
	A8	2004/0043127	A1	Monagle et al.	03/04/2004	
	A9	2003/0232121	A1	Monagle et al.	12/18/2003	
	A10	6,664,382	B2	Waggle et al.	12/16/2003	
	A11	2003/0211225	A1	Singh	11/13/2003	
	A12	2003/0190401	A1	Singh	10/09/2003	
	A13	6,630,195	B1	Muralidhara et al.	10/07/2003	
	A14	6,599,556	B2	Stark et al.	07/29/2003	
	A15	2003/0119759	A1	Waggle et al.	06/26/2003	
	A16	2003/0102259	A1	Kulkarni et al.	06/05/2003	
	A17	6,565,912	B1	Gugger et al.	05/20/2003	
	A18	2003/0082248	A1	Chajuss	05/01/2003	
	A19	2003/0064121	A1	Konwinski et al.	04/03/2003	
	A20	2003/0059514	A1	Villagran et al.	03/27/2003	
	A21	2003/0054087	A1	Monagle et al.	03/20/2003	
	A22	2003/0045689	A1	Monagle et al.	03/06/2003	
	A23	2003/0021859	A1	Tabor	01/30/2003	
	A24	2002/0197384	A1	Singh	12/26/2002	
	A25	6,471,981	B2	Hahn	10/29/2002	
	A26	2002/0148774	A1	Wang et al.	10/17/2002	
	A27	6,451,386	B1	Simonetti	09/17/2002	
	A28	6,440,469	B1	Suh et al.	08/27/2002	
	A29	2002/0102339	A1	Akash et al.	08/01/2002	
	A30	6,372,782	B1	Patel et al.	04/16/2002	
	A31	2002/0039619	A1	Monagle	04/04/2002	
	A32	2001/0047959	A1	Oishi et al.	12/06/2001	
	A33	6,313,273	B1	Thomas et al.	11/06/2001	
	A34	6,261,565	B1	Empie et al.	07/17/2001	
	A35	6,241,996	B1	Hahn	06/05/2001	
	A36	6,180,007	B1	Gentile et al.	01/30/2001	
	A37	6,171,638	B1	Gugger et al.	01/09/2001	
	A38	6,159,370		Hicke et al.	12/12/2000	
	A39	6,132,795		Holbrook et al.	10/17/2000	
	A40	6,015,785		Shen et al.	01/18/2000	
	A41	5,990,291		Waggle et al.	11/23/1999	
	A42	5,858,449		Crank et al.	01/12/1999	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: February 7, 2005 (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/764,275
				Filing Date	01/23/2004
				First Named Inventor	Michael A. Porter
				Group Art Unit	1761
				Examiner Name	Weier, Anthony J.
				Attorney Docket Number	023829-0287 (CGL01/0207US8)
Sheet	2	of	2		

U.S. PATENT DOCUMENTS					
		U.S. Patent Document			
	A43	5,792,503		Gugger et al.	08/11/1998
	A44	5,763,389		Shen et al.	06/09/1998
	A45	5,720,969		Gentile et al.	02/24/1998
	A46	5,702,752		Gugger et al.	12/30/1997
	A47	5,676,987		Lai	10/14/1997
	A48	5,503,832		De Stoutz	04/02/1996
	A49	5,454,952		Brewer	10/03/1995
	A50	4,645,677		Lawhon et al.	02/24/1987
	A51	4,346,122		Orthoefer et al.	08/24/1982
	A52	3,660,111		Koch	05/02/1972
	A53	3,630,753		Melnichyn et al.	12/28/1971
	A54	3,361,575		T. M. Paulsen	01/02/1968

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A55		WO 02/100186	A2	Porter et al. (Inventors/Applicants)	12/19/2002		
	A56		WO 01/06866	A1	Boatright (Inventor/Applicant)	02/01/2001		

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>	
	A57	Protein Technologies International, "Supro® 425 Isolated Soy Protein Product Description", (available at least by June 1, 2001), (1 pg.).		
	A58	Protein Technologies International, "Supro® 500E Isolated Soy Protein", (available at least by Aug. 1998), (1 pg.).		
	A59	Protein Technologies International, "Supro® 515 Isolated Soy Protein", (available at least by Sept. 1997), (1 pg.).		
	A60	Protein Technologies International, "Supro® 661 Isolated Soy Protein Product Description", (available at least by June 1, 2001), (1 pg.).		
	A61	Protein Technologies International, "Supro® 670 Isolated Soy Protein", (available at least by Feb. 10, 1999), (2 pgs.).		
	A62	Protein Technologies International, "Supro® 760 Isolated Soy Protein Product Description", (available at least by June 1, 2001), (1 pg.).		
	A63	ADM, "PRO FAM® 646, 648, and 982 Isolated Soy Proteins 066-646, 066-648, and 066-982", (available at least by June 1, 2001), (1 pg.).		
	A64	ADM, "PRO FAM® 970, 972, 974, and 981 Isolated Soy Proteins 066-970, 066-972, 066-974, and 066-981", (available at least by June 1, 2001), (1 pg.).		
	A65	Protein Technologies International, "FP-940 Isolated Soy Protein", (available at least by June 1, 2001), (1 pg.).		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.